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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,388	04/01/2004	Gary Diamond	402-142.002-1	9382
4955	7590	04/13/2006		
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER TSIDULKO, MARK	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/816,388	Applicant(s) DIAMOND ET AL.	
	Examiner Mark Tsidulko	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>071904</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11, 15, 34 are indefinite since the trademark (or trade name) "Polycast 2447" cannot be used properly to identify any particular material or product. *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 20, 45 is rejected under 35 U.S.C. 102(b) as being anticipated by Tompkin et al. (US 6,819,409).

Referring to Claim 1 Tompkin et al. disclose (Fig.1b) a system for reading an information including a light tray [7] having a bottom wall having a region for receiving an object, a side wall diffuser [19] positioned relative to the bottom wall at the angle of approximately 45 degrees and a light source [5] positioned relative to the side wall diffuser [19] so as to cause light to pass through the diffuser into the light tray, so as to illuminate the object [2] placed on the bottom wall [7].

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Referring to Claim 12 Tompkin et al. disclose (Fig.1b) a system for reading an information including a light tray [7] having a bottom wall which includes a region for receiving an object, a side wall diffuser [19] positioned relative to the bottom wall at the angle of approximately 45 degrees and a light source [5] positioned relative to the side wall diffuser [19] so as to cause light to pass through the diffuser into the light tray, so as to illuminate the object [2] placed on the bottom wall [7], a camera [3] and a control circuit [24].

Referring to Claim 45 Tompkin et al. disclose (Fig.1b) a system for reading an information including a light tray [7], a side wall diffuser [19] and the illuminated object [2] placed on the bottom wall [7].

The method claim 45 is considered as inherently disclosed by Tompkin et al., as the cited claim merely recites "recording", "inserting" and "imaging" as the claimed steps, such steps being necessarily performed to obtain the patented structure of Tompkin et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tompkin et al. (US 6,819,409).

Referring to Claim 2, since Tompkin et al. does not disclose the value of the inclination angle of the diffuser, it will of course be understood for those skilled in the art, that any desired

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angle, allowing to obtain good illumination of the object, including 61 degrees (cited in a specification, as found through experimentation, as the best; page 10, lines 12-14) can be used in the device.

Referring to Claim 12-17 Tompkin et al. disclose a housing [16], which is inherently including a back wall. It is understood, that the device will work absolutely identically if the side wall diffusers will be fastened to any desired part of the housing, including a back wall, depending on the structure of the housing. Also, it is understood, that any desired type of material known in the art can be used for the housing, including a methacrylate resin and translucent acrylic, without changing functionality of the device.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the diffuser of the device of Tompkin et al. having an inclination angle of approximately 61 degrees in order to obtain high illumination of the object.

Claims 3-9, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tompkin et al. (US 6,819,409) in view of De Man (US 5,304,813).

Referring to Claims 3, 30 Tompkin et al. disclose the instant claimed invention except for a LED as a light source.

De Man discloses (Fig.3) an apparatus for optical recognition of documents having a plurality of the LEDs [27]. It is well known in the art, that LED illumination sources are energy efficient and have a longer operating lifetime compared to the incandescent lamps.

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It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the LED for the device of Tompkin et al., in order to obtain an economical light source for the illumination the object.

Referring to Claim 4 Tompkin et al. disclose the instant claimed invention except for a second wall diffuser.

De Man discloses (Fig.3) an apparatus for optical recognition of documents having two side diffusers [21'] and [21''] arranged symmetrically for even illumination of the object.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Tompkin et al. having a second side diffuser, as taught by De Man, in order to obtain the even illumination of the object.

Referring to Claims 5-9 Tompkin et al. disclose the instant claimed invention except for LED and second wall diffuser.

De Man discloses (Fig.3) an apparatus for optical recognition of documents having a plurality of the LEDs [27] and two side diffusers [21'] and [21''] arranged symmetrically for even illumination of the object.

It is well known in the art, that LED illumination sources are energy efficient and have a longer operating lifetime compared to the incandescent lamps.

Since De Man does not disclose color of the LED, it will of course be understood for those skilled in the art, that any type of color LED available on conventional market can be used for the device depending on necessity.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the LED for the device of Tompkin et al., in order to obtain an

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economical light source for the illumination the object and to provide the device of Tompkin et al. having a second side diffuser, as taught by De Man, in order to obtain the even illumination of the object.

Claims 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tompkin et al. and De Man as applied to claim 9 above, and further in view of Smedt et al. (US 5,043,589).

Tompkin et al. and De Man disclose the instant claimed invention except for diffuser made of translucent acrylic material.

Smedt et al. disclose a diffuser made of translucent acrylic material in order to provide a uniform light intensity distribution (col.10, lines 35-38).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the diffuser of the device of Tompkin et al. and De Man made of translucent acrylic material, as taught by Smedt et al., in order to provide a uniform light intensity distribution.

Claims 18, 19, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tompkin et al. (US 6,819,409) in view of Ogawa (US 4,605,848).

Tompkin et al. disclose the instant claimed invention except for a means for determining the presence of the document in the light tray.

Ogawa discloses a photosensor, which determines presence the document in the tray (col.1, lines 63-67). It is understand, that the photosensor can be located at any desired place of the device, depending on necessity.

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It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the photosensor of Ogawa, for the device of Tompkin et al., in order to determine the presence of the object in the tray.

Claims 21-23, 25, 26, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tompkin et al. (US 6,819,409) in view of Fekas et al. (US 2002/0005899).

Referring to Claims 21, 22 Tompkin et al. disclose the instant claimed invention except for video camera to record the image of the person presenting an ID card.

Fekas et al. disclose this limitation (Abstract). Also, Fekas et al. disclose a video recorder to record images captured by the video camera (Abstract). It is understood, that the video camera can be located at any desired place of the housing of the device.

Referring to Claim 23 Tompkin et al. disclose the instant claimed invention except for microphone.

Fekas et al. disclose the microphone for recording the audio information (page 3, [0026]).

Referring to Claims 25, 26 Tompkin et al. disclose the instant claimed invention except for a time/date device.

Fekas et al. (Fig.1) disclose a time/date circuitry [26], which causes time of day and date indicia to appear in the composite image output. It is understood, that this circuitry can be located at any desired place of the device, according to the structure of the device.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Tompkin et al. having a video camera and recorder

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to capture the image of the person placing the ID card, microphone and time/date circuit, as taught by Fekas et al., in order to increase the security control.

Referring to Claim 46 Tompkin et al. disclose the instant claimed invention except for a time/date device.

Fekas et al. (Fig.1) disclose a time/date circuitry [26], which causes time of day and date indicia to appear in the composite image output.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Tompkin et al. having a time/date circuit in order to provide good information control. In addition, one having ordinary skill in the art would have recognized the claimed method as inherently disclosed by the patented structure of Tompkin et al. and combined teaching of Fekas et al., as detailed above.

Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tompkin et al. and Fekas et al., as applied to claim 22 above, and further in view of De Man (US 5,304,813).

Referring to Claims 27, 28 Tompkin et al. disclose the instant claimed invention except for LED and second wall diffuser.

De Man discloses (Fig.3) an apparatus for optical recognition of documents having a plurality of LEDS [27] and two side diffusers [21'] and [21''] arranged symmetrically for even illumination of the object and positioned relative to the bottom at an angle of approximately 35 to 64 degrees.

Referring to Claim 29, since Tompkin et al. does not disclose the value of the inclination angle of the diffuser, it will of course be understood for those skilled in the art, that any desired

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angle, allowing to obtain good illumination of the object, including 61 degrees (cited in a specification, as found through experimentation, as the best, page 10, lines 12-14) can be used in the device.

Referring to Claims 31 and 32, since De Man does not disclose color of the LED, it will of course be understood for those skilled in the art, that any type of color LED available on conventional market can be used for the device depending on necessity.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Tompkin et al. including two side diffusers, as taught by De Man, having an inclination angle of approximately 61 degrees, in order to obtain the even high illumination of the object.

Claims 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tompkin et al. and De Man as applied to claim 32 above, and further in view of Smedt et al. (US 5,043,589).

Referring to Claims 33 and 34 Tompkin et al. and De Man disclose the instant claimed invention except for diffuser made of translucent acrylic material.

Smedt et al. disclose a diffuser made of translucent acrylic material in order to provide a uniform light intensity distribution (col.10, lines 35-38).

Referring to Claims 35, 36 Tompkin et al. disclose a housing [16], which is inherently including a back wall. It is understood, that the device will work absolutely identically if the side wall diffusers will be fastened to any desired part of the housing, including a back wall, depending on the structure of the housing. Also, it is understood, that any desired type of

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material known in the art can be used for the housing, including a methacrylate resin and translucent acrylic, without changing functionality of the device.

Referring to Claim 37 Tompkin et al. disclose (Fig.1b) a camera [3], a light tray [7] and an electronic circuitry [24] located within a control unit [16]. It is understood, that the control circuitry [24] can be mounted at any desired place of the device depending on the structure of the device.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the diffuser of the device of Tompkin et al. and De Man made of translucent acrylic material, as taught by Smedt et al., in order to provide a uniform light intensity distribution.

Claims 38-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tompkin et al., De Man and Smedt et al., as applied to claim 37 above, and further in view of Fekas et al. (US 2002/0005899).

Referring to Claims 38-42 Tompkin et al., De Man and Smedt et al. disclose the instant claimed invention except for a video recording device and video monitor mounted within the housing.

Fekas et al. disclose (Figs. 1, 4) a video recording device [8] disposed inside the housing and a video monitor [9].

Since Fekas et al. disclose the monitor disposed on a top of the housing, it is understood, that the video monitor might be located at any desired place of the device, including the inside of the housing, and in this case, it is obvious to provide the door of the housing made of transparent

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material to make the monitor be visible from the outside of the housing. It is also obvious to provide the door having a key lock to minimize access to the contents within the housing:

Referring to Claim 43, regarding the claims recitation that the instant invention “*the image of the ID card inserted within the light tray is imaged by the video camera for approximately three seconds*”, the applicant is advised that, while the features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 44 USPQ2d 1429. In addition, it has been held by the courts that apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 15 USPQ2d 1525 (Fed. Cir. 1990). In this case, the patented apparatus of Tompkin et al. discloses (as detailed above) all the structural limitations required to perform the recited functional language, therefore was considered to anticipate the claimed vehicular lightening apparatus.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Tompkin et al., De Man and Smedt et al. having a VCR, located within the housing, as taught by Fekas et al., in order to prevent the VCR from the damage.

Claims 44, 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tompkin et al., De Man and Smedt et al. and Fekas et al., as applied to claims 42 and 46 above, and further in view of Cushman (US 4,299,464).

Tompkin et al., De Man and Smedt et al. and Fekas et al. disclose the instant claimed invention except for a time delay.

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Cushman discloses a delay period initiated in the camera's controls to delay opening of the shutter. It allows providing the recording of the card without the recording fingers of the user.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the control means for delay time period, as taught by Cushman, for the device of Tompkin et al., De Man and Smedt et al. and Fekas et al., in order to increase the quality of the record.

Referring to Claim 47, in addition, one having ordinary skill in the art would have recognized the claimed method as inherently disclosed by the patented structure of Tompkin et al., De Man and Smedt et al. and Fekas et al. and combined teaching of Cushman, as detailed above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

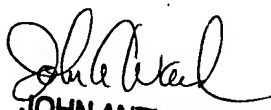
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.
April 10, 2006


JOHN ANTHONY WARE
PRIMARY EXAMINER

